

**60.10. FLOODPLAIN REGULATIONS**

**60.10.05. Purpose.** Regulations governing development within floodplains are intended to recognize the need to protect the health, safety and welfare of the community, and maintain the functions and values of floodplains through control of development within the floodplain area so as to minimize public and private losses due to flooding. The preservation of natural features and topography as an aid in floodplain management is a primary purpose of these regulations. However, in the administration of these regulations the existing pattern of man-made improvements must in some areas be recognized as a constraint on achieving this purpose. The provisions of this Section are designed to: [ORD 4155; April 2001]

1. Protect human life and health property; [ORD 4155; April 2001]
2. Minimize expenditure of public money, costly repairs of flood damage, and costly flood control projects; [ORD 4155; April 2001]
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Make information is available upon request to potential buyers that property is in an area of special flood hazard; [ORD 4155; April 2001]
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (ORD 3563)
9. Maintain the functions and values of floodplains, such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems. [ORD 4155; April 2001]

**60.10.10. Floodplain Designation.**

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Department of Homeland Security's Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated February 18, 2005, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. In addition, the Letter of Final Determination, dated August 18, 2004, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, effective February 18, 2005, revises portions of the 1984 and 1987 studies and maps, and is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. (ORD 3563) [ORD 4337; January 2005]
2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer may request the concerned person provide a detailed hydraulic data report prepared by a registered engineer with background in the area of hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. After review of the available data the floodplain elevation shall be established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]

**60.10.10.**

3. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. (ORD 3563)
4. Uncontained areas of hazardous materials, as defined by the Department of Environmental Quality, are prohibited in the floodplain. Any storage or placement of materials in the floodplain that would obstruct the flow of water or reduce the available flood holding capacity of a site is prohibited. (ORD 3441) [ORD 4093; March 2000] [ORD 4155; April 2001]

**60.10.15. Development in Floodway.**

1. Development in the floodway is prohibited, with the following exceptions, which are subject to the site development ordinance;
  - A. Stormwater outfall pipes and other drainage; improvements;
  - B. Bridges;
  - C. Culverts;
  - D. Public utility lines;
  - E. Trails or bikepaths;
  - F. Roads and other uses identified on the City's Transportation Plan; and
  - G. Grading associated with A through F above.

**60.10.20. Commercial and Industrial Uses in the Floodway Fringe.** All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:

1. Meets the requirements of Beaverton Code Section 9.05;

**60.10.20.**

2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;
3. Meets the requirements of the Unified Sewerage Agency Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002]
4. Has been reviewed and approved by the appropriate City approval authority as meeting the requirements and standards of this ordinance.

(ORD 3441) [ORD 4093; March 2000] [ORD 4155; April 2001]

**60.10.25. Residential Uses in the Floodway Fringe.**

1. Unless property is developed as a planned unit development, single family and two family dwellings, even though allowed in the primary zone, are prohibited in the floodway fringe on any lot smaller in area than five acres.
2. All other residential uses, if allowed in the primary zone, are allowed only as conditional uses in the floodway fringe. The request for a Conditional Use shall be processed and reviewed in the manner set forth in this ordinance. In addition to all other findings of fact required to be made in order to grant the Conditional Use, the following findings shall also be made: [ORD 4155; April 2001]
  - A. The proposed development meets the site and building design standards and requirements of the Beaverton Code Section 9.05; and [ORD 4155; April 2001]
  - B. The proposed development meets the building design standards and requirements of the Clean Water Services Design and Construction Standards based on affirmative statements in documentation from CWS. [ORD 4155; April 2001] [ORD 4224; August 2002]
3. The provisions of 2., above, shall not operate to impose the status of nonconforming use on any single family or two family dwelling or use lawfully existing on the effective date of this ordinance.

60.10.25.

4. Single family and two family dwellings and uses located in the floodway fringe and on lots smaller in area than five acres shall be allowed to continue, subject to the provisions of the primary zone, as conforming uses.
5. A structure or use regulated by this section that does not comply with any regulation provided by this ordinance for the primary zone in which it is located shall be considered nonconforming in those particulars only and shall be treated in a manner consistent with the provisions of Chapter 30, the nonconforming use provisions.
6. All manufactured homes to be placed or substantially improved within FIRM zones A1 - A30, AH and AO shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Beaverton Code Section 9.05. Site Development Code. (ORD 3563) [ORD 4155; April 2001]

